



COLORADO

Department of Health Care
Policy & Financing

Medical Services Board

MINUTES OF THE MEETING OF THE MEDICAL SERVICES BOARD

303 East 17th Avenue, 7th Floor Conference Room

September 11, 2015

1. Call to Order

Mike Stahl called the meeting to order at 9:05 a.m.

2. Roll Call

The Board Coordinator called the roll. There were sufficient members for a quorum with eleven members participating. Patricia Givens participated by telephone conference call.

A. Members Present

Christy Blakely, Patricia Givens, Bregitta Hughes, Jessica Kuhns, Brenda LaCombe, Paul Melinkovich, Amanda Moorer, David Potts, Donna Roberts, Mike Stahl, and Mary Trujillo-Young.

B. Members Excused

None

C. Staff Present

Susan E. Birch, MBA, BSN, RN Executive Director; Gretchen Hammer, Medicaid Director/Executive Deputy Director; Jennifer Weaver, First Assistant Attorney General; Judi Carey, MSB Coordinator; and Dan Hutchinson, Staff Support

3. Announcements

Mr. Stahl announced the next Medical Services Board Meeting will be held in the 7th floor conference room at 303 East 17th Avenue in Denver on Friday, October 9th, at 9:00 a.m.

It is the policy of this Board and the Department to remind everyone in attendance that this facility is private property. The capacity of the meeting room is 80. Please do not block the doors or stand around the edges of the room. Please turn cell



phones off while in the meeting room as they interfere with the recording equipment.

4. Approval of Minutes

Dr. Melinkovich moved for the approval of the August minutes. The motion was seconded by Ms. Blakely. There were no comments and the minutes were approved as submitted, 10:0.

5. Rules

D. EMERGENCY ADOPTION AGENDA

Dr. Melinkovich made a motion that all emergency rules that are adopted at this meeting include a finding that their immediate adoption is imperatively necessary to comply with State or Federal law or Federal Regulation or for the preservation of public health, safety, or welfare, and that compliance with CRS § 24-4-103 would be contrary to the public interest. The motion was seconded by Ms. Roberts and approved by a vote of 10:0.

1) Document 01 MSB 15-07-29-A

Revision to the Medical Assistance Health Programs Benefit Rule Concerning Pediatric Personal Care Services Rule, 10 CCR 2505-10, Section 8.535

Ms. Blakely moved for the emergency adoption of Document 01. The motion was seconded by Ms. Roberts. Elizabeth Freudenthal and Amanda Forsythe, Health Programs Office Benefits and Operations Division, presented the proposed rule and explained that it is being presented on an emergency basis in order to comply with a mandate from the Centers for Medicare and Medicaid Services (CMS) to remove Protective Services as a benefit.

Board Discussion

Board discussion and questions included: that this benefit will not be reinstated at a later date because it is not an allowable benefit; that this rule should be adopted as soon as possible; and an explanation of how CMS defines Protective Oversight vs a stand-alone task.

Public Testimony

Bethany Pray, Colorado Center on Law and Policy

Public testimony included: that there is no objection to the passage of this rule; that, in January, there was an expectation that the exception to the school based exclusion would be taken care of sooner than now; that stakeholders have been working with the Department on this and a few other issues; and that the desire had been this would have been settled sooner.



The Board voted for the emergency adoption of Document 01, 10:0.

2) Document 05 MSB 15-06-16-A

Revision to the Medical Assistance Home and Community Based Services for Community Mental Health Supports, Section 8.509.15, Home and Community Based Services for Persons with Brain Injury, Section 8.515.3, and Home and Community Based Services for Persons with a Spinal Cord Injury, Section 8.517.2

Dr. Young moved for the emergency adoption of Document 05. The motion was seconded by Ms. Roberts. Cassandra Keller and Colin Laughlin, Long-Term Services and Supports HCBS Benefits Unit, presented the proposed rule and explained that it fulfills a new federal mandate that requires a transition from the International Classification of Disease version 9 (ICD 9) to ICD 10.

Board Discussion

Board discussion and questions included: a question regarding the Spinal Cord Injury waiver program; that the department is working on communication with providers on how to properly use the new coding; fact sheets and provider trainings; that the categories are broad which allows for clients to access the waivers with the least amount of difficulty and diagnosis shopping; that it is important to get this information to hospital discharge planners; that this seems logical and should work well; that mental health providers were included in the development of the rule; and that ICD 10 will enhance and make the process much clearer; and that case managers can and do call department staff for help with these codes.

Public Testimony

There was no public testimony on Document 05.

The Board voted for the emergency adoption of Document 05, 10:0.

E. FINAL PERMANENT ADOPTION BY CONSENT AGENDA

1) Document 02 MSB 14-10-15-A

Revision to the Medical Assistance Health Programs Benefits Management Rule Concerning Substance Use Services, Section 8.746

Ms. Roberts moved for the final permanent adoption by consent of Document 05. The motion was seconded by Ms. Hughes.

The Board voted for the final permanent adoption by consent of Document 02, 10:0.



F. FINAL PERMANENT ADOPTION AGENDA

1) Document 03 MSB 15-07-08-A

Revision to the Medical Assistance Health Information Office General Eligibility Rules at Sections 8.100.1 and 8.100.3

Ms. Moorer moved for the final permanent adoption of Document 03. The motion was seconded by Ms. Roberts. Geoffrey Oliver and Shawn Bodiker, Health Information Eligibility Policy Section, presented the proposed rule and explained that it makes revisions based on the department's 2014 Regulatory Efficiency Review and that changes this month are based on the Attorney General's.

Board Discussion

Board discussion and questions included and explanation of how the Department determines what rule section will be reviewed in what year.

Public Testimony

There was no public testimony on Document 03.

The Board voted for the final permanent adoption of Document 03, 10:0.

2) Document 07 MSB 15-07-08-B

Revision to the MAGI Medical Assistance Health Information Office Eligibility Rules at Section 8.100.4

Ms. Hughes moved for the final permanent adoption of Document 07. The motion was seconded by Ms. Blakely. Ana Bordallo and Shawn Bodiker, Health Information Eligibility Policy Section, presented the proposed rule and explained that the revisions are based on the Department's 2014 Regulatory Efficiency Review and that changes made this month are based on stakeholder input. The Department was not able to make changes to the American Indian/Alaskan Native Income Exceptions requested by a stakeholder because it was presented too late to allow time for a tribal consult.

Board Discussion

Board discussion and questions included: that when using an acronym, the full name should precede it; a clarification that changes can't be made to a section of rule that affects the tribes without a 30 day tribal consult; that the Department plans to continue to work on this change; and that the tribes are always given 30 days to review changes and provide their input.

Public Testimony

There was no public testimony on Document 07.



The Board voted for the final permanent adoption of Document 07, 10:0.

3) Document 04 MSB 15-02-09-A

Revision to the Medical Assistance Home and Community Based Services for Persons with Brain Injury Rule Concerning Independent Living Skills Training (ILST), Section 8.516.10

Ms. Roberts moved for the final permanent adoption of Document 04. The motion was seconded by Ms. Hughes. Colin Laughlin, Long-Term Services and Supports HCBS Benefits Unit, presented the proposed rule and explained that the Department would like to request that the Board table this rule.

Ms. LaCombe arrived at the meeting.

Board Discussion

Board discussion and questions included: that there are no concerns about roadblocks to this rule; and that a little more time is needed to finalize the language.

Public Testimony

Brenda Heimbach, Rocky Mountain Health Care Services, BrainCare

Public testimony included: that the stakeholder process provided ample opportunity to develop this rule; and that there is support for the requirement for licensure.

Mr. Potts made a motion to table Document 04 until next month. The motion was seconded by Ms. Roberts and approved, 11:0.

G. INITIAL APPROVAL AGENDA

1) Document 06 MSB 15-07-08-D

Revision to the Medical Assistance Health Information Office Eligibility Rule Concerning Long-Term Care Medical Eligibility, Section 8.100.7

M.s Blakely moved for the initial approval of Document 06. The motion was seconded by Ms. Roberts. Eric Stricca, Health Information Eligibility Policy Section, presented the proposed rule and explained that the revisions are based on the Department's 2014 Regulatory Efficiency Review of this section of rule.

Board Discussion

Board discussion and questions included that the law requires when material is incorporated by reference and the date changes, the rule must come back for approval for that change.



Public Testimony

There was no public testimony on Document 06.

The Board voted for the initial approval of Document 06, 10:0.

H. Consent Agenda Motion

Dr. Melinkovich moved to include Document 06 on the final permanent adoption by consent agenda. The motion was seconded by Ms. Moorer and approved, 11:0.

I. Closing Motion

Ms. Roberts moved to close the rules portion of the agenda. The motion was seconded by Ms. Hughes and approved, 11:0.

6. Open Comments

Julie Farrar, Colorado Developmental Disabilities Council

7. Department Updates

- HB 1293 Hospital Provider Fee Update - Written
- Department Updates/Questions – Susan E. Birch, MBA, BSN, RN, Executive Director

8. Election of Officers

Dr. Melinkovich nominated Ms. LaCombe for the position of president. The motion was seconded by Ms. Blakely and approved unanimously.

Mr. Potts nominated Ms. Blakely for the position of vice-president. The motion was seconded by Dr Melinkovich and approved unanimously.

9. The meeting was adjourned at 10:55 a.m.

The next scheduled meeting of the Medical Services Board is at 9:00 a.m. on Friday, October 9, 2015 in the 7th floor conference room at 303 East 17th Avenue, Denver, CO.

Reasonable accommodations will be provided upon request for persons with disabilities. Please notify the Committee Coordinator at 303- 866-4416 or judith.carey@state.co.us or the 504/ADA Coordinator hcpf504ada@state.co.us at least one week prior to the meeting.

